

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
BRIEF &  
APPENDIX**





74-1154

B

IN THE UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

APR 1 1974

BRIEF <sup>APPENDIX</sup> DOCKET NO. 74-1154

Norman M. Campbell, 573 Columbia St., Cohoes, N. Y., presently residing at 29 Second St., Albany, N. Y., 12207; citizen of the United States of America entitled to all the right, privileges, and responsibilities it confers and entails, appeals to this Court the dismissals by Hon. James T Foley, Judge of the United States District Court for the Northern District of New York State, these cases Numbers 73-CV-433, 434, 435; heard by him at Albany, N. Y. November 5, 1973, and dismissed as stated page 12 of Transcript, lines 8,9,10, no jurisdiction; lines 15,16,17, New York State Statute of Limitations applied under or to Civil Rights Act; contradicted and qualified; lines 24,25. Appellant appeals as clearly erroneous.

These cases originally Docket No. T-2946, but motions filed to proceed on single docket fee and consolidate to single hearing; so ordered Feb. 4, 1974. Motion also to extend <sup>Thirty</sup> ~~twenty~~ days from January 9, 1974, and on attack of flu, <sup>Forwarded as Docket No. T-2946</sup> motion to extend to March 15, 1974 for recovery. Feb. 4 single docket fee and consolidation changed to No.74-1154

Page 27  
Forwarded P 76

**PAGINATION AS IN ORIGINAL COPY**



Maile d  
3/14

REFER TO DOCKET No. 74-1154

ORIGINALLY T-2946

A. Daniek Fusaro, Clerk  
U. S. Court of Appeals  
U. S. Courthouse  
Foley Square  
New York 10007  
per John P. Flannery, pro se law clerk

29 Second St.  
Albany, N. Y.  
March 12, 1974

Dear Sir:

Having returned from Charleston, S. C., where recovered good health; as per inclosed photocopy of letter forwarded Feb. 7, 1974 inclosing motion to extend hearing of, rather filing of Brief in appeal of Cases 73-CV-433, 434, 435, Northern District of N. Y. until March 15 for recovery of health, and having gone to inspect Columbia St, Cohoes property, found letter with Feb. 4, 1974 Order to change Docket No. T-2946 rather proceed on single docket fee and consolidate to single hearing, whereby Docket No 74-1154, and also letter calling attention to method of briefing and notification of 74-1154; neither with date.

Also inclosed photocopy of letter of Jan. 22, 1974 noting request for mail to Albany and p/copy of letter received from your office, that is, the envelope, which I am sure was subsequent to Jan. 22, although lack of postmark and often form letters date leaves one uninformed of date mailed. Jan 21 notifying receipt of letter of Jan 22. Rec'd 3/10/74

I am forwarding brief alone and copy of this letter to appellees also for the reason that completing the purtenances attached to the record of three cases, and binding and the photocopying, entails a considerable amount of work and time, and I doubt if it could meet the March 15 deadline. Some at earliest possible moment. T9 1

Very truly yours,

Norman M. Campbell

DS 3/13/74 see p 76  
If Court of Appeals doesn't want problems involved, let me know as quickly as possible, to save time and money and get them to the Supreme Court. Please note courts were instituted for the use of public. Not laws of liability for technicians, to get rich on; which

REFER TO DOCKET NO. T-2946

Apt. 16, 29 Second St.

Albany, N. Y. 12207

February 7, 1974

A. Daniel Fusaro, Clerk  
U. S. Court of Appeals  
U. S. Courthouse  
Foley Square, New York, N. Y. 10007  
per John P. Flannery, pro se law clerk

Dear Sir:

Having been advised that chest X ray does not give promise of immediate recovery of health, although fever and sickness have left and the residual of the cold now lying in the bronchial tubes and remaining a threat of lung ailment; I have been advised at the Clinic that a change to more salubrious climate will be very helpful to complete recovery.

Please file herewith petition to the Court of Motion to extend Docket No. T-2946, originally scheduled for January 2, 1974; being Cases 73-CV-433, 434, 435; U. S. District Court for the Northern District of N. Y. State; Dismissed by Hon. James P. Boyle at Albany, N. Y., Nov. 5, 1973; Appealed Nov. 27, 1973; motions to stand thirty days to February 8, 1974, and to proceed on single docket fee and to consolidate to single hearing; Docketed as Norman M. Campbell A citizen of U. S. v Casper Weinberger, Secy. of State et al.

Now moving the Court to extend to March 15, 1974, when expect to be in complete recovery.

Copies to Appellees.

Sincerely,

*Norman M. Campbell*  
Norman M. Campbell

3



# Fore word

SUMMARY

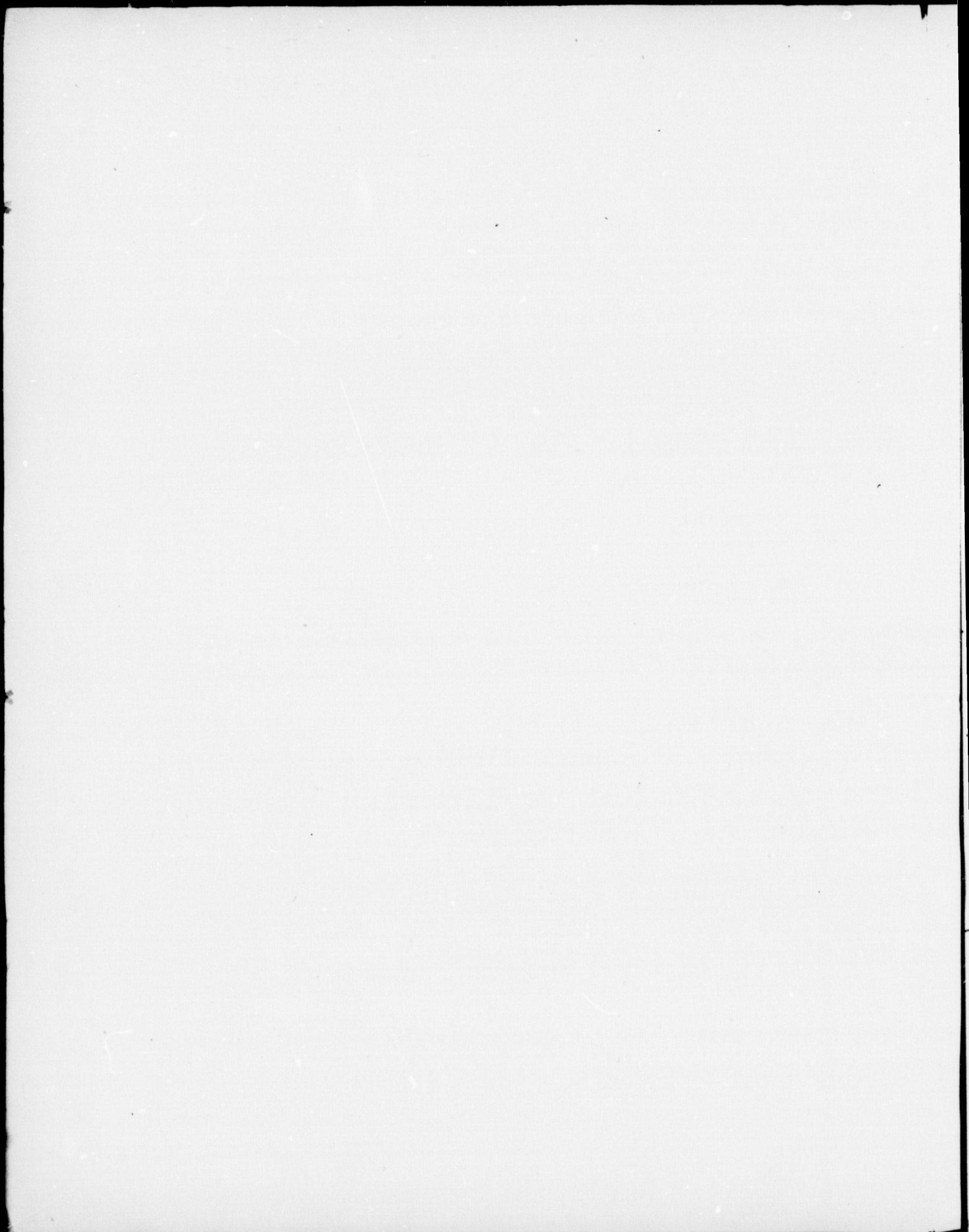
1 In re absence of hearing regarding 73-CV-433; Summons  
2 was delivered October 1, 1973, 20 days to Answer; Answer was  
3 not given by Secy. Weinberger, and Answer of Corporation  
4 Counsel dated October 31, but not delivered; Oct. 31 being  
5 Wednesday, but Cohoes Postoffice, 12047 did not deliver un-  
6 til Friday afternoon or Saturday morning; Court convening on  
7 Monday, Nov. 5, Dismissal requested seems to have been aut-  
8 omatically granted.

9 Appellant presents to the Court, the information that  
10 years ago certain thought provoking experiences in direct an-  
11 tipathy of his moral education stemming from the prevailing  
12 and accepted model of, especially the political, Cohoes edu-  
13 cation, and he took opportunity to publicly insult the public  
14 gods or symbols. Warren Smith had made his son Jr., Treas-  
15 urer of the Board of Education, and Lawyer Burke, son of Dr.  
16 Burke, a dentist and passenger of the gravy train for years,  
17 Commissioner of Education; and the aftermath still rages,  
18 both above and underground. Appellant told them they were ig-  
19 norant.

20 Personally, appellant feels appellees have deluded them-  
21 selves and a Justice of the United States Court.

22 *J. Campbell*  
23  
24  
25

Problem involved, <sup>9</sup> Is Corporate or  
individual the public interest?





Brief-74-1154

Appellant submits to the Court his reason or interpretation for appeal of Judge Foley's decisions as being clearly erroneous: First: that the issues involved are encompassed as primary responsibilities of U. S. citizenship in upholding the Constitution on which the nation is founded, and therefore under the jurisdiction of the court in which he presided; neither may the Statute of Limitations of the State of New York be invoked by usage under the Civil Rights Act. Violations of Amendments VI and IV are base of actions.

Secondly: Defendant Appellees base their defenses mainly, not on denial that appellant's Constitutional rights have been violated and their own Constitutional responsibilities neglected; but the essence, appellant is mentally incompetent and may not stand in court; note Answer, 433; Harry L Robinson for Virginia B. McDonald, Mayor of Cohoes; par. 3, "plaintiff lacks standing to commence and maintain above captioned action." <sup>Pg 8</sup> Page 10 through page 13 of <sup>Pg 11</sup> 12, 13, 14 Transcript may hardly be interpreted otherwise in Hearing of 434, 435. <sup>Briefs 29-31</sup> Appellant quips about competence of help offered, returning thanks for the offer.

Mr. Robinson, Cohoes Corporation Counsel is also junior partner of Wertime & Robinson, a block down Remsen from Cohoes Saving, Mr. Wertime's bank, the which three blocks down Remsen St. from Dr. Jay McDonald Towers on opposite side of Cayuga St, if I remember, <sup>the name properly,</sup> from block to demolish ex-

Relative information and exhibits interposed.



COHOES, N.Y.  
12047  
ALL AMERICA CITY



Norman M. Campbell  
573 Columbia St.  
Cohoes, N. Y.

Norman M. Campbell, A citizen taxpayer  
of the United States,

Plaintiff,

-against-

ANSWER

Casper W. Weinberger, Secretary of Health,  
Education and Welfare, the moving spirit  
of Housing and Urban Development; and  
Virginia B. McDonald, Mayor of the City of  
Cohoes,

Defendants.

VIRGINIA B. McDONALD, Mayor of the City of Cohoes, New York  
as and for an answer to the complaint and petition of the plaintiff  
Norman M. Campbell, states as follows:

FIRST: That she denies each and every allegation and  
statement set forth in the complaint and petition.

AS AND FOR A FIRST AFFIRMATIVE  
DEFENSE HEREIN:

SECOND: That the complaint and petition of the plaintiff fails to state facts sufficient to maintain and establish a cause of action against the defendant, Virginia B. McDonald, Mayor of the City of Cohoes, New York.

AS AND FOR A SECOND AFFIRMATIVE  
DEFENSE HEREIN:

THIRD: That the plaintiff, Norman M. Campbell, lacks standing to commence and maintain the above captioned action.

AS AND FOR A THIRD AFFIRMATIVE  
DEFENSE HEREIN:

FOURTH: That the plaintiff, Norman M. Campbell, is not entitled to the relief requested in his complaint and petition.

Answer - 73-CV-433

8

1 Norman A. Campbell  
2 573 Columbia Street Extension  
3 Cohoes, N. Y. 12047  
4 No telephone

Plaintiff  
In Propria Persona

5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF NEW YORK STATE  
10

11 Norman A. Campbell, A citizen  
12 taxpayer of the United States  
13 Plaintiff

13 Casper W. Weinberger, Secre-tary  
14 of Health, Education and Welfare  
15 the moving spirit of Housing and  
Urban Development.

16 Virginia B. McDonald, Mayor of  
17 the City of Cohoes  
18 Defendants

NO. 73-CV-433

COMPLAINT AND PETITION  
FOR INJUNCTION FOR PERMANENT  
RESTRAINT

19 In the matter of a project to demolish a block (city block) of  
20 brick houses and business establishments located at the northern end  
21 of Remsen Street and with it's junction at Mohawk Street in the city  
22 of Cohoes, New York, known as Cohoes Urban Renewal; the planting and  
23 landscaping of said block with grass, shrubs and trees as a park.

24 This project is on the northerly and opposite side of the street  
25 connecting Remsen and Mohawk Streets, on the southerly side of which  
26 is located the Dr. Jay McDonald Towers, an apartment house complex  
27 named in honor of Dr. James McDonald, the deceased husband of the Ma-  
28 yor or Mayoress, the former Mayor and son of a former Mayor and leader  
29 of the Cohoes Republican Party under the auspices of Walter H. Wer-  
30 time, Jr. at the time, Chairman of the Albany County Republican Party;  
31 the former owner and operator of the Harmony Hotel, which was so no-  
32 torious as a gangster hideout and rendezvous of the bootleg days

P71-73-(V-433  
Complaint

9



1 1st Walter Winchell, famous in the annals of the day for his know-  
2 ledge and acquaintance of underworld characters, sometimes mentioned  
3 it on his Sunday evening broadcasts; said Harmony Hotel having been  
4 razed and the Dr. Jay McDonald Towers built by United States govern-  
5 ment funding of apartments for the elderly through the Department of  
6 Health, Education, and Welfare,; Housing and Urban Development author-  
7 ity, if my information is correct; and Walter H. Wertime, Jr. having  
8 been also President and Legal Counsel of Cohoes Savings Bank, having  
9 succeeded to his father, Walter Wertime, Sr, who was formerly owner  
10 and operator of the Harmony Hotel, and also a portion of the brick  
11 blocks in the said project to demolish and refurbish; said Walter H.  
12 Wertime, Jr. being now Walter H. Wertime, and of advanced age, and  
13 presumably retired from active politics, presumably given over to a  
14 nephew, but still Legal Counsel of Cohoes Savings Bank and proprietor  
15 of Dr. Jay McDonald Towers now fully rented except ordinary vacancy  
16 factor.  
17

18 Plaintiff complains that said Cohoes Urban Renewal project, in re-  
19 ality, is the use of the taxpayers of the United State's funds to create  
20 a park for the enjoyment of, and enticement of, and satisfaction of,  
21 and thereby the greater value and profit to and of the Dr. Jay McDon-  
22 ald Towers; the rentals will be increased in price in consequence;  
23 the buildings in prospect of demolition being practically all of  
24 three stories with ground floor store front and flats above will cre-  
25 ate a shortage of cheap living accommodation and small business es-  
26 tablishment, thereby raising the rental value of corresponding prop-  
27 erty and taxable assessments of corresponding properties; plaintiff  
28 complains the moving spirit of this project is not health, Education  
29 and Welfare as the Secretary hopes and intends, but a project for the  
30 mill of prosperity known as the gravy train, that will line the pock-  
31 ets and glorify the names of the passengers. Plaintiff petitions the  
32 Court for an injunction permanently restraining.

*James H. [unclear]*

Complaint P.2-73-CV-433

10

1       smashing my property. I can produce in Court a  
2       man who was put out of business by this same Warren  
3       Smith on the same principles and this underground  
4       organization. That Smith, I don't believe he owns  
5       it; I believe it is another of the cousins of his,  
6       nephews of Michael Smith. Do you remember Mike  
7       Smith?

8               THE COURT: I have heard of him.

9               MR. CAMPBELL: Well, you know, Mr.

10       Skinner was their representative for the Albany  
11       Mills; they were paying a million dollars a year.

12               THE COURT: I can hear you all day but  
13       I have some other matters. Mr. O'Brien, what is  
14       your position here, have you read these papers?

15               MR. O'BRIEN: Well, I did receive these  
16       papers, Your Honor, and I have submitted -- I don't  
17       know whether it is on the calendar, but I have a  
18       motion to dismiss the complaint on behalf of Louis  
19       Lefkowitz and the State of New York. I did attempt  
20       to furnish the Court with -- in my affidavit attach-  
21       ed to my notice of motion with the documentation  
22       that I was able to obtain from a file that was  
23       one of our bureaus in the Attorney General's office,  
24       this particular bureau having charge of public  
25       who are committed to Hudson River State Hospital.



1 Now as the records show there at least  
2 by affidavit, which is based upon the official  
3 records, Mr. Campbell was declared incompetent  
4 twice by various Courts here, and the attorney  
5 -- Attorney General, of course, never had juris-  
6 diction or control of any of his property or  
7 possessions. The Attorney General is merely in-  
8 terested in this particular individual because of  
9 the fact that he happened to be a resident of the  
10 state who is -- well, that's all, so I am unable  
11 to do anything more here to help Mr. Campbell.  
12 I just don't see where he states any cause of  
13 action against the New York or against Louis  
14 Lefkowitz, the Attorney General of the state of  
15 New York.

16 THE COURT: All right, Mr. Horton,  
17 what is your position?

18 MR. HORTON: We have filed an answer.

19 THE COURT: Were you served properly?

20 MR. HORTON: Yes, it is my understanding  
21 that is correct.

22 THE COURT: Did they serve one of your  
23 officers?

24 MR. HORTON: Yes, that's right.

25 THE COURT: And what is your answer to



1 the complaint?

2 MR. HORTON: Well, Your Honor, I am  
3 sorry I am not in a position to be able to argue  
4 at this point. We have filed the answer and I am  
5 here in the stance of an appearance, but I am now  
6 in a position to be able to go into details.

7 THE COURT: Mr. Campbell, after consid-  
8 eration I don't think there is jurisdiction of  
9 your complaint, your claim, in this United States  
10 District Court. I must under the law dismiss it.  
11 That is my procedure.

12 MR. CAMPBELL: Your Honor --

13 THE COURT: I also deny your motion  
14 to file an amended complaint, and I don't like to  
15 upset you but I think it is so long ago that the  
16 statute of limitations have run under the Civil  
17 Rights Act, because we apply the State statutes.  
18 Outside of that I don't see any viable claim under  
19 the Civil Rights Act.

20 MR. CAMPBELL: Your Honor, the statute  
21 of limitations, mandates of the United States  
22 Constitution, do they apply to the United States  
23 Constitution?

24 THE COURT: No, but that is my  
25 decision, I may be wrong but that is my decision.

1 I am going to grant the motion of the Attorney  
2 General and dismiss the complaint. I am going  
3 to deny the motion to file an amended complaint,  
4 and I think orders should be submitted, and I  
5 dismiss the action against Niagara Mohawk Power  
6 Corporation. So you should submit separate orders  
7 and send them to Mr. Campbell at Columbia Service,  
8 is that right?

9 MR. CAMPBELL: That's right.

10 THE COURT: Cohoes, New York. That  
11 is my decision and you will have to follow up  
12 from there. I would suggest that you obtain the  
13 services of a lawyer if you can.

14 MR. CAMPBELL: Your Honor, I thank  
15 you for the advice, but as, I explained I am afraid  
16 the lawyers are going to ~~say~~<sup>see</sup> it exactly the same  
17 way you do.

18 May I ask if I can appeal your decision  
19 to a higher Court?

20 THE COURT: Well, you have the right  
21 to file an appeal to the United States Court of  
22 Appeals, Second Circuit, but you should wait until  
23 these orders are served on you and file with the  
24 Clerk. It will cost \$5.00.

25 MR. CAMPBELL: Yes. Again let me ask



1 you, it slipped my hand, these commitments were  
2 because as I explained this, I am in the same  
3 difficulties since I came there the 2nd of June;  
4 everytime in my absence something is done and at  
5 night they have been coming saying the trailer will  
6 across the way. I am alone, I am pretty well out;  
7 my object is to get -- in 1958 I tried the State  
8 Police and the Town of Colonia Police and it was  
9 a waste of time. I did the same in 1964. The  
10 Town of Colonia Chief or whichever, sent a man down  
11 and <sup>he</sup> they looked over and I showed him what had been  
12 done. "Well," he said, "I will set a round the clock  
13 watch here," And the damage got worse; and finally I  
14 was smashed up in the car going to work 50 miles  
15 an hour at night; just brought the auto and left  
16 it at Latham Ford just up the road from me, and  
17 they had gone over it; suddenly I am going to work  
18 and there <sup>are</sup> no brakes. Well it means -- it is  
19 <sup>as drained</sup> hydrolic -- I am wasting your time, Your Honor.

20 THE COURT: All right, Mr. Campbell,  
21 thank you very much.

22 MR. CAMPBELL: Thank you.

23 THE COURT: Thank you for your courtesy.  
24 The orders will be served on you by mail. Mr. O'Brien,  
25 will you make the order that I want your motion

1 tending up Remsen on which said Towers faces, and up Mo-  
2 hawk on which bench area and outdoor parking facility backs,  
3 to their meeting of angles, mill buildings on other sides,  
4 and Mohawk continuing on through other mill and manufactory  
5 property; down Cayuga street three blocks is Geo. P. Wertime  
6 Contracting Co. and Wertime Building Supply recently involv-  
7 ed in charges of political pressure in award of contract to  
8 build firehouse; the Wertime nephew, Paul G. VanBuskirk,  
9 who succeeded to Mr. Walter Wertime's political power who  
10 was Albany County Republican Party Chairman for many years,  
11 has recently resigned public office due, evidently, to Fed-  
12 eral investigation of Hatch Act violation; Exhibit A in re-  
13 lation attached. Also Exhibit B; relating Mr. Robinson's  
14 appointment to Cohoes Saving's Board of Trustees soon after  
15 Dismissal of 433, and promotion of President and Treasurer  
16 of the Wertime Companies to Chairman of the Board. The  
17 complaint of 433 is that cheap family housing in mill dis-  
18 trict will be eliminated will be eliminated for six million  
19 taxpayer's dollars beneficence known as the gravy train, or  
20 Prosperity Unlimited. Freeloading by hypocrisy at taxpayer's  
21 expense amounts to fraud. *See SUMMATION after final page* 36

22 Appellant presents Exhibit C; letter of former Albany  
23 County Republican Party Chairman, resurrected during the  
24 past summer from the files of Albany County Clerk, <sup>County Clerk</sup> ~~he~~ also  
25 clerk of Supreme Court; date antipathetic to def/appellee



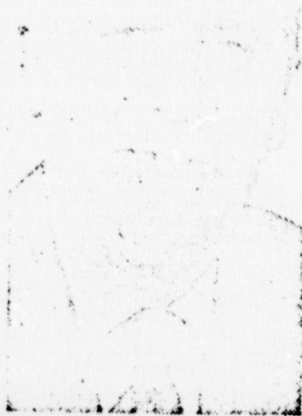
COHOES BRANCH OFFICE, 220 REMSEN STREET

# *Cohoes News*

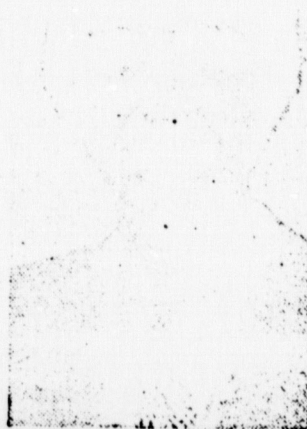
CONSTANCE L. LARSON

JANICE HARTSHORN

LEONARD STOKES JR.



RALPH J. WILSON



HARRY L. ROBINSON

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# Cohoes Savings Bank Names New Chairman; Makes Promotions

COHOES — Ralph J. Wilson has been elected chairman of the board of the Cohoes Savings Bank, effective Jan. 1, it was announced today by Walter H. Speidel, president and chief executive officer of the bank.

Along with Wilson's election, five other promotions were made at the recent meeting of the board of trustees held in the trustees office of the bank.

Robert W. Frehofer was elected vice-president; Leonard E. Stokes Jr. was named vice president and branch manager of the Latham office, January 1.

Hartshorn and Constance C. LeBarron were appointed administrative assistants and Harry L. Robinson was elected to fill a vacancy on the board.

Wilson, who resides at 61 Edwards Road, Troy, was elected a trustee of the bank in 1954 and named vice president of the bank in 1966.

He is a charter member of the Wynantskill Kiwanis Club, a trustee of the North Greenbush Public Library, a member of the New York Athletic Club, a member of the Van Schaick Golf Club, a president and treasurer of the Troy Rotary Club and a trustee at Russell Sage College.

He is also a member of the Troy Board of Education.

Robert W. Frehofer is a graduate of the University of Vermont and is a member of the Troy Rotary Club and a trustee at Russell Sage College.

Leonard E. Stokes Jr. joined the bank as an auditor in 1959 and was named manager of the Latham branch in December, 1967.

He is a graduate of the evening division of Russell Sage College and the graduate school of Harvard University.

May, 1968 as a teller in the mortgage department and promoted to mortgage supervisor in 1971. A graduate of Cohoes High School, she is a member of St. James United Methodist Church, choir and women's society, American Institute of Banking and the Savings Bank Women of the Capital District.

Mrs. Constance LeBarron, Loudonville, joined the bank in September, 1965 as a teller in the cash department, becoming secretary in 1971.

She is a graduate of Shaker Senior High School, a member of the Savings Bank Women of the Capital District.

Harry L. Robinson is a member of the Shaker Road-Loudonville Fire Department Ladies Auxiliary.

Harry L. Robinson, Cohoes, is a graduate of the University of Vermont with a bachelor of arts and completed post graduate work at Albany Law School receiving his bachelor of law. He is a member of the Cohoes Law firm of Wertman and Robinson.

WANT TO

CHANCE TO

PLEASE FILL IN WHAT  
to Work For You

Describe any item in your home which you no longer use and which you would like to exchange for cash. Easy, isn't it?

3 3 50

Phone 2-1111

For more information, call 2-1111 or write to the Cohoes Savings Bank, 100 Main Street, Cohoes, N.Y. 12041.

Exhibit B

B

17

## THE CITIZEN PARTY

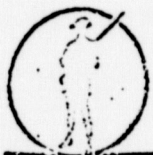
DEAR FRIENDS OF OURS INCLUDING CLERGY, BUSINESS, NON-PROFIT ORGANIZATIONS  
AND C... .. AND DESPITE  
THE FACT THAT... ..  
PERMITS THESE PROGRAMS... ..  
THESE FINE PROGRAMS. THIS IS THEIR GOAL

..... NOTICE TO MEMBERS .....  
THE HATCH ACT PERTAINS TO NATIONAL & STATE PARTIES  
PLEASE READ BELOW

SECTION 12 OF THE HATCH POLITICAL ACTIVITIES ACT OF 1939, AS AMENDED, APPLIES TO THOSE OFFICERS AND  
EMPLOYEES OF A STATE OR LOCAL AGENCY WHOSE PRINCIPAL EMPLOYMENT IS IN CONNECTION WITH FEDERALLY  
FINANCED ACTIVITIES. SUCH PERSONS ARE PROHIBITED FROM TAKING AN ACTIVE PART IN POLITICAL MANAGEMENT  
OR IN POLITICAL CAMPAIGNS THAT ARE IDENTIFIED WITH A NATIONAL OR STATE POLITICAL PARTY, SUCH AS THE  
DEMOCRATIC OR REPUBLICAN.

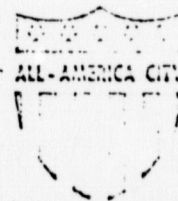
"WE ARE SELLING PROGRESS -- NOT PROPAGANDA & SMEAR"

VOTE CITIZEN VOTE ROW F



KEEP CONGRESS "ALL AMERICA"

SUPPORT THE CITIZEN SLATE



ORDERED BY PAUL G. VAN BUSKIRK  
CITIZEN PARTY, COUNCIL OF CITIZENS COMM.  
P.O. BOX 100  
ALBANY, N.Y.  
PRINTED BY ALBANY PRINTING & BINDING CO.  
STATE STREET AVENUE

IN DAYS GONE BY — This 1957 Citizens Party flyer,  
which says "Ordered by Paul G. Van Buskirk" at the

bottom, explains the party's position on the Hatch Act  
at the time: that it applied only to major parties.



# VanBuskirk '71 Role Drew Hatch Act Violation Scrutiny

By DONNA HALVORSEN  
COHOES — Paul Van Buskirk, who has accused several Citizens Party members with violating the Hatch Act, was himself investigated last year for a possible violation of the act.

However, according to an attorney for the federal Civil Service Commission which looked into a complaint against Van Buskirk, the evidence presented did not warrant bringing charges against him and "we closed the matter."

Peter Skoro, who said he will be in Cohoes in about two weeks to begin an investigation into alleged violations, also said he doesn't anticipate that the previous investigation will be reopened, contrary to published reports Thursday.

That investigation was made after Van Buskirk managed "for Virginia B. McDonald" in 1971 at a time when he was serving as director of the Planning and Development Agency.

Questioned about the scope

of the upcoming inquiry in Cohoes, Skoro said it was spurred by the complaint from Van Buskirk's attorney and will be limited to the charges made in it.

The Hatch Act places restrictions on the political activities of persons whose salaries are paid with federal funds.

James Cuva, Citizens Party chairman and assistant urban renewal director who is one of the persons named in attorney Francis J. Carroll's complaint, said Thursday he is "looking forward to the investigation."

"I still am firm in my belief that I am not in violation," he said, "and I welcome the investigation of someone in authority to let me know whether there is a violation of the act."

Cuva said he considers the act to be unconstitutional and he may decide to challenge it in the courts, even the possibility of such a challenge might be beyond his means.

"I don't see why the little people should have to sit idly by and just take it," he said.

Several Citizens Party members have said they have relied in the past on the judgment of Van Buskirk as a party leader that the act only applies to major party candidates.

A 1967 party flyer, which says, "Ordered by Paul G. Van Buskirk, Chairman, Cohoes Citizens Committee" at the bottom, contains a section headed, "Notice to Smealers....The Hatch Act Pertains to National & State Parties."

It continues: "Section 12 of the Hatch Political Activities Act of 1939, as amended, applies to those officers and employees of a state or local agency whose principal employment is in connection with federally financed activities. Such persons are prohibited from taking an active part in political management or in political campaigns that are identified with a national or state political party, such as the Democratic or Republican Party."

Van Buskirk was in Binghamton Thursday speaking to a group of businessmen and

could not be reached for comment on his apparent change of position on the act, but he suggested to a reporter in a previous interview that interpretation of the statute has changed.

Skoro said that if the initial investigation in Cohoes determines that any charges are safe warranted, the first step will be the drafting of a letter of charges to be presented to the individual involved for a response.

The Commission would then review the response and determine whether to proceed with the investigation, he said.

Though a violation could result in removal from a federally funded job, Skoro said there have been cases which have been closed if an employee decides to leave his political activity. He said he was not suggesting that that could happen in Cohoes.

If an individual does not agree with the commission's determination, Skoro said, he could challenge it in his own initiative in the federal district court.

Exhibit A



## 7 Projects Got Funding

# Cohoes District

**COHOES** — The Model Cities governing board Monday recommended funding of seven of the 21 projects which had been seeking a chunk of a \$250,000 supplemental grant.

In so doing, the board was ratifying the weekend decisions of the Model Cities finance committee on how to spend the money.

The finance committee, working with priorities drawn up by the governing board last week, accepted the board's first three priorities for funding, though with slightly different figures.

Recommended for funding were: Human Resource Services at \$83,537; continuation of the health services minibus at \$15,600 and the Cohoes Planning and Development Agency at \$63,335.

The other four projects recommended were \$50,000 for seed money for housing redevelopment on Sargent and Remsen Streets; \$3,665 for a new citizen participation structure; \$15,000 for a new Erie Canal Trail park; and \$20,000 for further Cohoes Music Hall restoration.

The music hall project was 13th on the governing board's list of priorities last week. Projects which members rated higher in their voting were remedial reading, child development, legal aid, a Youth Bureau drop-in shelter and the Cohoes Rehabilitation and Improvement Program's re-

quest for housing acquisition money.

While approving the recommendations of the finance committee, which now go to the Common Council, the board also approved a provision that any unexpended Model Cities funds which do not have to be accounted for phasing out or evaluation be

reprogrammed into those projects which were shipped over by the committee.

The finance committee is made up of Mayor Virginia B. McDonald, acting Model Cities director, and five other members. Model Cities fiscal officer Donald Wilson has generally been chairman. Ernest Hatch, though Hatch re-

portedly did not attend the weekend meeting where the deliberations took place.

"I wish we could have funded more projects," the mayor said at the meeting, which might have set a record for his brevity, "but we didn't have enough money."

## Regional

## News

### Strikes Opposition

## Suds Serving Streaker

By LINDA ROSENBLATT

**EAST GREENBUSH** — Patrons of two local watering holes discovered last weekend that the art of streaking does not belong exclusively to "crazy" college students.

The "East Greenbush streaker", as he is now fondly known to town residents who had a chance to view his "form", is himself a tavern owner with a reputation for pulling stunts on fellow bar owners in the town.

The Saturday night crowd at Rick's Lounge, Gilligan Avenue, was treated to a little extra entertainment besides the regular organ music when said streaker gal-

loped through sans anything "but a big grin", according to one patron.

The streaker decided to give another competitor's business a helpful nudge, much to the chagrin of the bar's owner who decided to

retaliate with a performance of his own at the streaker's establishment. He chickened out, however, and kept his raincoat closed when he saw the size of the crowd, according to one source.

Th'rstill talking about it in town where one town employee who missed the whole thing said a bit wistfully that she hopes "he'll announce his next performance in advance so I can be there."

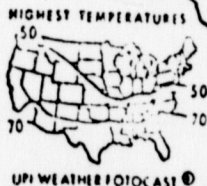
m Mail site clearance ceremonies io is the mail

sk

C.C.

by level. The rep...  
own hall where one town...  
ploye who missed the whole...  
thing said a bit wistfully tha...  
she hopes "he'll announce hi...  
next performance in advanc...  
so I can be there."

Trouth Sea



## CAPITALAND

## Cloudy

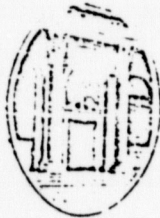
## Cohoos Funding

Then, as to opportunity, it is  
yet more than abundant. The  
"success" is God's will.

Golden took a vacation in October. The Times-Union reported that time that he was likely to retire at vacation's end. He returned to see the proceeding through to its conclusion, then took a month's vacation in from which he returned day. On his last day at before his latest vacation told a reporter, "I'm tired. I'll let everybody about it." And

Because of his length  
service and his own con-  
ditions to a...

COHOES SAVINGS BANK



WALTER H. WERTIME  
President and Counsel

COHOES, N. Y.

September 14, 1970

Mr. Norman M. Campbell  
P. O. Box 5012  
315 Hill Street  
Santa Monica, California 90405

Dear Mr. Campbell:

Yours addressed to the Cohoes Savings Bank with regard to your Account No. 100336, upon which there is a balance of \$1,020.74 has come to my attention. I understand you have been mailed a lost passbook affidavit. It would be foolish to bother with it at the present time, as we cannot honor it.

Your brother Edgar who lives on Utica Avenue, Colonie was appointed Committee and he has requested removal a few years back. He has retained Attorney Strang from Colonie over a year ago, but complains he is not getting good service. He is most desirous of being removed and as soon as he accomplishes his removal, we will pay the money direct to you. However, I think, at this time, I should advise you that there would be deducted from this amount the commission allowed the Committee by law and the attorney's fees.

As to your property on Columbia Street, I ascertained the property was taken for non-payment of taxes, but I believe it could be redeemed by the payment of the back taxes plus accumulated penalties. This would probably have to be accomplished before you could sell the property.

Respectfully,

COHOES SAVINGS BANK

Walter H. Wertime  
President

WHW:jl

20

5 / Special  
As Director  
Of the  
Colonie

COLONIE - Five men have been named to one-year terms as directors of the Greater Colonie Chamber of Commerce, president Joseph C. N. Antille announced Wednesday.

They are Albany County Legislator Henry E. Deynis Jr., a well-known attorney; Herbert S. Ellis, president of Paddock Pool Builders and Paddock Gunite Pools; Brian H. Gros, a consultant for Marine Sheldahl; Marshall S. Hancock, a vice president of Home Savings Bank; and Louis J. Simon, owner of Lo Simon Wine and Liquors.

Bank Gives  
\$10,000 to

Home Fund

TROY - The Little Sisters of the Poor of Albany and Troy Wednesday received a \$10,000 grant from the Cohoes Savings Bank for the sisters' building fund.

The grant brings to \$200,000 the Sisters have received to help them build a new residence for the aged in La. The Sisters have been actively soliciting gifts from area businesses and banks in hopes of raising enough money to begin construction of the new home, the cost of which has been estimated at \$3.5 million.

Exhibit C - 13-04-434




1 People's Asst. Atty. General O'Brien's assertions of Page  
2 10 through 13 of Transcript and declaration of final page  
3 of Notice of Dismissal Motions re order of Supreme Court  
4 discharging Committee of person and property of Norman Can-  
5 bell on July 16, 1970; letter of Mr. Bertine dated Sept.  
6 1970. Appellant ... gravity of the issue point-  
7 out hypocrisy related ... exhibit shows ...  
8 ... confiscated in ... Committee; as appellant under-  
9 stands the process re delinquent property; county sells to  
10 state. In any case, clerk of court notified Atty. Gen. Of-  
11 fice of petition for discharge of Committee; said letter in  
12 files pertaining to appellant's court record; one presumes  
13 also in Atty. Gen., but certainly within scope of duty; taxes  
14 were being paid regularly; plenty of money in bank; a poli-  
15 tical curiosity stemming from original violation of Amend-  
16 ment VI; right to speedy and public trial by jury of the  
17 State, for facts to be aired. Considering late investiga-  
18 tion of Albany County politics revelations, one sympathizes  
19 with Mr. Lefkowitz' difficulty. One feels Committee jumped  
20 to conclusions, but is beginning to see the light. One pon-  
21 ders Mr. Lefkowitz and hypocrisy. However, payment of dam-  
22 <sup>age</sup> by People of the State has been deleted as robbing taxpayer  
23 Peter to pay Taxpayer Paul. One feels Mr. Lefkowitz' diffi-  
24 culty is political ties  
25

21

No. 203850

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO <i>Atty General of State of N.Y.</i>		POSTMARK OR DATE
STREET AND NO. <i>2 World Trade Center</i>		
P.O., STATE AND ZIP CODE <i>New York 10047</i>		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered ..... 5¢ With delivery to addressee only ..... 65¢ 2. Shows to whom, date and where delivered ..... 35¢ With delivery to addressee only ..... 85¢	
DELIVER TO ADDRESSEE ONLY ..... 50¢		
SPECIAL DELIVERY (extra fee required) .....		
PS Form 3800 Apr. 1971		NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See other side) * GPO : 1972 O - 460-743

REFER TO DOCKET No. 74-1154

29 Second St.  
Albany, N. Y.  
March 22, 1974

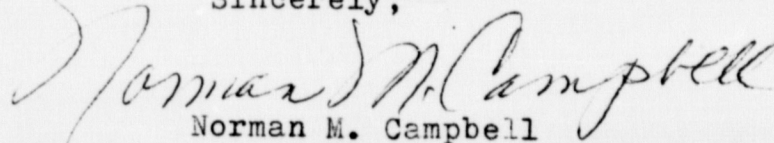
A. Daniel Fusaro, Clerk  
U. S. Court of Appeals  
U. S. Courthouse  
Foley Square  
New York, 10007  
Per John P. Flannery, pro se law clerk

Dear Sir:

Yours of March 19, 1974 at hand, received this A. M., and instruction followed as per receipt above.

Also included Supplementary Evidence mailed to your office yesterday evening, and anticipate mailing same to remaining appellees of 74-1154, being 73-CV-433, ~~434~~, 435; 434 having been taken care of as above; mailing tomorrow morning.

Sincerely,

  
Norman M. Campbell



1 Norman M. Campbell  
2 673 Columbia St.  
3 Cohoes, N. Y. 12047  
4 No phone  
5 Plaintiff  
6 In Propria Persona  
7  
8  
9  
10

11  
12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF NEW YORK STATE  
15

16 Norman M. Campbell, a citizen of }  
17 the United States. }  
18 Plaintiff }

No. 73 CV 434

19 People of the State of New York; }  
20 Louis J. Lefkowitz, Attorney }  
21 General }  
22 Defendants }

COMPLAINT

DAMAGES

23 ON or about October 25, 1964, Police Court Judge Landry. was called  
24 from his bed at midnight by Warren Smith, a corrupt and powerful city  
25 and county politician, city of Cohoes, County of Albany; and also the  
26 Troy Record Newspapers reporter ; official newspaper of the city;  
27 made so by said Smith when he took the city and county advertising  
28 from Ambrose Scully and his Cohoes American and it was forced out of  
29 business under curious circumstance. At midnight the Judge addressed  
30 plaintiff, the prisoner: "You are accused of Malicious Mischief.  
31 Bail is One Thousand Dollars." And was answered "I can manage that.  
32 The Judge, and attorney sworn to uphold the United States Constitution  
replied: "Do you have it with you? In cash?"

Plaintiff was not confined in the jail downstairs in City Hall  
where friends and help would be available, but was driven to the de-  
luded Albany County Jail and a n untruthful account of heinous pub-  
lished in the official newspaper to the loss of plaintiff's reputa-  
tion

1 The accuser was Charles Kaplan, a minor politician of the city of  
 2 Cohoes; next door neighbor and henchman of said Smith; having opera-  
 3 ted a bar and night club selling alcoholic beverages during Prohibi-  
 4 tion; known as The Barn on Columbia Street of that city; afterward  
 5 a cigar store on Remsen Street with illegal gambling machines in the  
 6 back room; following which he was arrested and imprisoned in Co-  
 7 hoes City Hall. No date of trial was set, nor was plaintiff queried  
 8 concerning. Plaintiff leaves to the Court the inference.

9 Being allowed a single telephone call, plaintiff contacted a niece  
 10 Mrs. Joseph Dawkins, who came with her sister in law, who said John  
 11 Brady would come, an acquaintance of plaintiff's youth, now an attor-  
 12 ney and Judge of Civil Court in Cohoes. <sup>at the time.</sup> Mr. Brady did not come, and  
 13 two gentlemen with apparently reports, which they consulted, asked if  
 14 plaintiff knew Warren Smith, and were answered, "Yes." And it appar-  
 15 ently; more truly obviously decided the gentlemen that plaintiff was  
 16 mentally incompetent; and after some weeks of imprisonment in the jail  
 17 plaintiff was removed to Hudson River State Hospital; Louis J. Lefko-  
 18 wit3, as Attorney General of the People of the State of New York being  
 19 the Executive Officer of the Supreme Court and Attorney for the Hos-  
 20 pital became thereby the mental competence of plaintiff, and as legal  
 21 competence, legally liable for his effects and possessions. The ef-  
 22 fects of a United States citizen are not simply his earthly possess-  
 23 sions, but his rights to life, liberty and the pursuit of happiness  
 24 as written in the United States Constitution.

25 After a year, plaintiff was released from the mental institution and  
 26 made his home and earned his living. He was a successful businessman, and after  
 27 almost ten years has returned to find his property in almost ruin, not even a  
 28 No Trespass sign to ward off vandals having been posted. Although  
 29 a thousand dollars in bank, County of Albany has been allowed to con-  
 30 fiscate three acres of valuable land in an expanding community; the  
 31 tools of plaintiff's trade and the deeds to his properties and tax  
 32 and other records have been appropriated and a false report filed by



the conservator appointed by the court, and his attorney under the au-  
pices of Attorney General Leffkowitz. Plaintiff complains that he has  
been deprived of his effects, both real and personal, the intangible  
at the beginning and the concrete at the end; and petitions the Court  
that it shall direct the Attorney General of the State of New York to  
restore plaintiff his property; that the People of the State of New  
York shall pay the costs of this action; and that the People of the  
State of New York shall pay into the United States Treasury, the e-  
quivalent of the cost of a year's operation of the Office of Attor-  
ney General of the State of New York as Damage.

Harman H. Campbell

24

24

100-435



Attached to said order is a general release running from Norman Campbell to George Sherwood Campbell dated May 11, 1961, sworn to before a notary public. Attached to the copy of such order is a certificate of Donald L. Lynch, Clerk of the County of Albany, certifying that the within order and said release were filed in his office on June 5, 1961.

The Attorney General's files further reflect that at a Special Term of Supreme Court in and for the County of Albany on July 9, 1965, an order was made by the Honorable T. Paul Kane appointing Egbert L. Campbell, 18 Utica Avenue, Latham, New York, as committee of the person and estate of Norman Campbell. Said files further reflect that on July 16, 1971, an order was made in the Supreme Court, Albany County (Kane, J.), declaring Norman Campbell competent to manage himself and his affairs and discharging Egbert L. Campbell as committee of the person and property of Norman Campbell. Such files further reflect that on May 31, 1972, an order was made in Supreme Court, Albany County (Pitt, J.), settling the account of the said Egbert L. Campbell as committee of the person and estate and discharging the said Egbert L. Campbell from all further liability and responsibility as such committee.

IT IS THEREFORE respectfully urged that the within  
complaint against the defendants People of the State of New York  
and Louis J. Lorkowitz, Attorney General be dismissed.

Timothy F. O'Brien  
Timothy F. O'Brien

Sworn to the 12 day  
of October, 1973.

Notary Public  
Notary Public

Notice of Dismissal 434-1135  
Motion  
Final page

25

1 73-CV-435 maintains that to admit the transfer of title  
2 to Niagara Mohawk Power Corporation is an admission--that is  
3 --to admit the validity of transfer of title by County court  
4 proceeding while private citizen owner has been beaten and  
5 placed under forced restraint on telephoned hearsay of one-  
6 ny without hearing for verification, nor trial in public,  
7 but certification of incompetency by gentlemen in pay of ben-  
8 eficence of politics who never before in their life saw him,  
9 nor care to see again except for their profit is an anachron-  
10 ism of presumption of guilt until proof of innocence and  
11 debtor's prison very useful to the powerful of politics for  
12 which reason Amendments IV and VI of the United States Consti-  
13 tution were proposed and passed into law to prevent.

14 Whereby such transfer of title is an admission that the  
15 Laws of Mental Hygiene of the State of New York hold force  
16 and effect ~~over~~<sup>or diagnosis</sup> those of the United States Constitution.

17 Nevertheless, said certification, under State law renders  
18 following Court order <sup>at least in practicality</sup> a legal seizure of person, house, pap-  
19 ers, and property of said citizen, as being a ward of the  
20 state and the responsibility of the Office of Attorney Gener-  
21 al, as legal and mental competence; said Office, in the per-  
22 son of Mr. Lefkowitz, followed the same uninvestigative pro-  
23 ceedure. Said Office holds Attorneyship for State Hospital,  
24 property of said People. Appellant refused to sell. <sup>Doctor not-</sup>ified of con-  
25 George Sherwood Campbell, elder brother by ten years had <sup>demnation</sup>



1 intended to stay Commitment, but consulting Mr. Wertime, Al-  
2 bany County Republican Party Chairman; was required to pay  
3 a hundred and fifty dollars cash in hand as retainer fee;--  
4 in a former Committeement to Albany Medical Center Mental  
5 Hospital by Judge Brandt of Conoes Police Court under the s  
6 ame circumstance of hearsay by Dr. William B. McDonald and  
7 despatching of police and entry without warrant and overpow-  
8 ering when required to present warrant--appellant didn't even  
9 know what it was all about--and handcuffing and run to said  
10 pajama prison--it constitutes false arrest and imprisonment  
11 and forced restraint sanctified by the ties of prosperity;  
12 the hospital collected a hundred and sixty some dollars and  
13 the collection agent was the junior partner of the law firm  
14 whose senior partner had been Dean of the New York Supreme  
15 Court Bench for years, and he listened to the recitation of  
16 facts; one brother had tried two lawyers and neither would  
17 take the case because against the Mental Hygiene and the A-  
18 merican Medical Association's influence that passed them,  
19 they believed it useless; that was El L Campbell, but the  
20 gossip had permeated the whole town and brother Geo. Sher-  
21 wood tried Mr. Wertime--Brandt was Warren Smith's man-- and  
22 he sent his junior partner, Mr. Tabner at the time, down to  
23 Albany with brother Geo. Sherwood when the Commitment came  
24 up on the calendar, and he said I Object, and they gave me  
25 my clothes at the hospital, and when I went to pay the bill

1 at Mr. Wertime's office that evening he said "I am convinced  
2 Doctor McDonald engineered a scheme on you", but when I  
3 spoke of suit for damage, he said "There is no law of liabil-  
4 ity to create a legal responsibility". Pay Mr. Tabner, my  
5 junior partner down the hall, twenty dollars on your way out.  
6 The hospital sent it's bill, and remonstrance to the cashier  
7 and Mr. Wertime's opinion, she said "The hospital is just an  
8 innocent party." , and more bills and six or eight months  
9 later a notice from it's collection agent; pay up or court  
10 action; and recitation to him as above: But he said "I have  
11 my client's interest to protect." and collected every cent.  
12 ---That was some years before 1958 and a horse of a differ-  
13 ent color, the white of charity; and I presume bro. Sherwood  
14 had an account in Mr. Wertime's bank; and shortly after my  
15 committment to Poughkeepsie, his wife died and her will left  
16 him twenty thousand dollars he didn't even know she had; and  
17 learning of the Condemnation and power corp. offer, took Com-  
18 mitteeship and paid back taxes. <sup>1958 Commitment</sup>

19 Six months on the observation ward because the psychia-  
20 trist is trying to find out why you don't react as the pic-  
21 ture of the records paint is hard on the psyche, especially  
22 when without assurance the confinement is not indefinite--  
23 the practice now discontinued--but please the Court to obser-  
24 ve that one is not taken to a mental hospital under forced  
25 restraint; one is admitted, and therefor sick. The Doctor so



Norman M. Campbell  
573 Columbia St.  
Cohoes, N. Y. 12047 mail address  
which is highway 9A Town of Col-  
onie.  
no telephone

Plaintiff  
In Propria Persona

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

Norman M. Campbell, a citi-  
zen of the United States.  
Plaintiff

People of the State of New  
York. Louis J. Lefkowitz,  
Attorney General.

Niagara Mohawk Power Cor-  
poration. John G. Maehl,  
Jr. President.

Defendants

No. 73-CV-435

Complaint

Damages

Restitution

On or about July 1, 1958, two Town of Colonie Policemen entered on the property of plaintiff, who was engaged in the peaceful pursuit of his business as market gardener, and with no warrant, provocation or reasonable cause, knocked him down and beat him and handcuffed and threw into their car and ran him to Albany County Jail, where he was confined behind bars as a criminal person and the Justice of the Peace on whose order the policeman had acted because by a telephone call from the proprietor of the trailer park across the way from plaintiff's establishment immediately and with no hearing nor investigation, submitted a request to court of jurisdiction at Albany for commitment to State mental hospital at Poughkeepsie, N. Y. under the New York State laws of 1957. Plaintiff was held in the State mental hospital for six months, during which Niagara Mohawk Power Corporation, having been refused the sale by plaintiff for part of his property for the reason he had no desire to sell and the power com-



30  
1 ... could have used another purchasable way, took the opportunity to  
2 place condemnation proceedings before the Court of the State of New  
3 York, claiming the transmission of electric power as the right of em-  
4 inent domain over the production of food. Plaintiff having been de-  
5 clared mentally incompetent by the Court of the State of New York up-  
6 on the hearsay of Justice of the Peace of Town of Colonie, Louis J.  
7 Berkowitz, under the New York State Laws of Mental Hygiene became the  
8 legal and mental competence of plaintiff, in legal possession, accord-  
9 ing to the Laws of Mental Hygiene of the State of New York, of a ward  
10 of the court; and evidently without knowledge or understanding of the  
11 issues involved, gave countenance and possession to said Niagara Mo-  
12 hawk Power Corporation, of the main depth of the angular property; two  
13 rights of way upon which ugly erection of poles and equipment with no  
14 thought to the destruction of value of surrounding property has been  
15 given; said company being obviously concerned only with profit to the  
16 officials and stockholders.

17 Plaintiff also complains that when he first purchased the land and  
18 erected the building more than thirty years ago, the Company, being  
19 requested for the use of electric power, sent an engineer, one Wil-  
20 liam Healy, if memory serves correctly; who, the power line not yet  
21 having been extended to plaintiff's property requested payment of fifty  
22 dollars each for two poles necessary to extend it; being refused  
23 for the obvious reason that lots being sold along the road, plaintiff  
24 was being mulcted for the company's future profit. Plaintiff, after  
25 some weeks of waiting expectantly, called said engineer and demanded  
26 the electric power; who came and said he must have an easement to put  
27 poles upon the land before he could bring the power, and when he  
28 pointed out the poles would be erected upon the county highway right  
29 of way, he said it wasn't up to him. It was required by law. Therefore  
30 Niagara Mohawk Power Corporation, by the use of falsehood and duress  
31 gained an easement, which, when the trailer park was opened, across  
32 the road, was used for the purpose of staying by means of heavy wt

21  
cables which prevent the use and profit of 250 or more square feet of  
plaintiff's land, the pole from which the wires carried across the  
road to the opposite pole in the trailer park takes the strain of the  
weight; being neither able to turn the land nearby the anchored wires  
with the plow, nor erect building. When the Right of Way representat  
ve, an attorney admitted to the New York State Bar, sought the sale of  
land for the power line years later, he boasted that the Company did  
not have to pay a cent if they didn't want to. They could put poles  
anywhere on the land they wanted to. Plaintiff points out the methods  
of a system reminiscent of East India Companies, letters of marque,  
transportation, even smacking in the Mental Hygiene, of lettres de  
cachet, the which in part contributing to loss of faith in the legal  
system, was a factor in the overthrow of the French government. Pla  
intiff points out that to admit the validity of the transfer of title  
to plaintiff's land and it's ruinous division of his frontage on Col  
umbia Street Extension is a practical declaration that the laws of  
Mental Hygiene of the State of New York hold force and effect over  
the guarantees to the simple citizen, which the founding fathers of  
this nation wrote into the United States Constitution and it's Amend  
ments, to protect his freedom. Plaintiff complains that the Attorney  
General did not have knowledge nor understanding of the issues invol  
ved, and later acquiescence to contract by plaintiff was obtained un  
der duress of poverty due to the facts related of being forced from  
his land and his living and restrained, without cause, of it's pur  
suit. Plaintiff points out that the rape of his livelihood contri  
buted to the prosperity of those in the employment of those facets of  
the mental hygiene rising through common labor to the so called high  
er education required for the oath of Hippocrates and the oath of of  
fice to support the United States Constitution. Plaintiff questions  
such education. Plaintiff petitions the Court ~~for~~ the restitution of  
his Columbia Street property, and feels at the conclusion of this  
case the Attorney General will feel duty bound to give a year's sala



1 diagnosed and the taxpayer can well afford it; one presumes  
2 a dollar is a dollar, the object of endeavor; sufficient un-  
3 to the day are the headaces thereof, including the court's.  
4 Appellant was brought to his brother's empty home in midwin-  
5 ter; he leaving at six A.M. and returning 3:30 PM from an  
6 plant in Schenectady to complete three more months' service  
7 till pension; already in failing health; appellant before was  
8 aged for board and room; already fifteen hundred dollars in  
9 debt to Committee and penniless of money; without knowledge  
10 of law and believing condemnation legal, contacted Right of  
11 Way Representative; now top dog because power corporation al-  
12 ready in possession and possession of title; original offer  
13 had been thirty five hundred dollars and deal was made for  
14 twenty eight hundred and Committee gave consent after urging;  
15 appellant was released from hospital as Convalescent; said  
16 R/way Representative, an attorney, came in the evening, and  
17 contract was signed and tender to bind it given, but at the  
18 finish, having risen from his chair, Committee lost emotion-  
19 al control breaking into sob and irrelevant complaint; R/way  
20 Rep. William Hobbs, rather Hubbs, of Latham, N. Y., realiz-  
21 ing Committee in questionable health put contract in brief  
22 case and departed hurriedly, but, although the signed con-  
23 tract was retained, the money was never paid; which is the  
24 reason; Joseph F. Cleary, Asst. Secy and attorney for def.  
25 Niagara-Mohawk Power; 73-CV-435, Answer, pg. 2, par. 2,



3. The defendant denies, upon information and belief, the allegations set forth in lines 5 to 16 on page 2, and, for an affirmative defense, states the following facts upon information and belief:

On November 7, 1958 Mr. George Sherwood Campbell was duly appointed committee of the person and estate of Norman Campbell, plaintiff herein, and on April 7, 1959 plaintiff and his committee agreed to sell to the defendant, for the sum of \$2,800, certain lands in the Town of Colonie, County of Albany, which were then the subject of the condemnation proceedings mentioned above. This agreement was never performed.

By order of Hon. Louis G. Bruhn, Justice of the Supreme Court, County of Rensselaer, dated March 17, 1961, plaintiff's committee was discharged and plaintiff was restored to the full possession and enjoyment of his estate. Thereafter, on October 8, 1962, plaintiff, by his attorney, Elmer M. Rasmussen, Esq., of Troy, New York repudiated this agreement and offered to execute a conveyance of the property in question for the sum of \$4,800. After negotiations between defendant and plaintiff's attorney, a settlement was effected, and upon payment of \$3,500 to plaintiff, plaintiff's attorney delivered to defendant a Warranty Deed dated May 3, 1963, signed Norman Campbell, with acknowledgement in proper form, signed Elmer M. Rasmussen, Notary Public. The deed was recorded in the Albany County Clerk's Office on May 24, 1963, at Book 1757 of Deeds, page 130.

Since plaintiff was competent and represented by counsel throughout these negotiations, these allegations do not state a claim against defendant upon which relief can be granted, and if such a claim were stated,

Notary Public  
A. H. W. Rasmussen  
Commissioner of Deeds

1 lines 6,7,8,9, the reason "The agreement was never performed."  
2 His statement of information and belief somewhat misleading.  
3 Committee was afflicted with painful ear infection and advan-  
4 cing prostate malady which caused his death five years later.  
5 1961 appellant was working and decided to be rid of the  
6 Committee; still owing sixteen hundred dollars; <sup>which was paid.</sup> appellant is  
7 grateful for service rendered, but certain reservations.

8 In 1962, believing the condemnation legal, and never hav-  
9 ing been paid the twentyeight hundred dollars promised, ap-  
10 pellant was advised to take the matter to court and Elmer M.  
11 Rasmussen of Troy, N. Y. was recommended. Who did not take  
12 the matter to court, nor did he advise client of right of  
13 just compensation and Inverse Condemnation. He, being employ-  
14 ed at the time in condemnation claims by City of Troy or  
15 County of Renssalaer. Mr. Rasmussen consulted over the  
16 phone with State Senator Julian B. Erway, Niagara-Mohawk Pow-  
17 er Corporation attorney and arranged a luncheon meeting, ev-  
18 idently well acquainted, and appellant was advised to accept  
19 soon after, Senator Erway's principal, rather client's offer  
20 of thirty five hundred dollars, and Mr. Rasmussen notarized  
21 and delived signed contract, and charged fifty dollars. One  
22 begins to realize why prohibition of conflicting interest.

23 Appellant remembers hearing in California Niagara Mohawk  
24 planned subsidiary in realty and rentals. Is willing to make  
25 equitable return and lease, reasonable/time/figure. Not to sell.

*J. Rasmussen*

*Mar 19 45*

*34*



That "the Justice of the Peace on whose order the policeman had acted ... submitted a request to court of jurisdiction at Albany for commitment to State Mental Hospital at Poughkeepsie, N. Y. under the New York State Laws of Mental Hygiene, where he was confined on the observation ward for ...

The remainder of the complaint in civil action No. 73-CV-435 relates to the alleged illegal taking of plaintiff's real property by Niagara Mohawk Power Corporation, named along with a "John G. Hachl, Jr., President" as additional defendants in said cause of action, such illegal taking having been countenanced by Louis J. Lefkowitz. Plaintiff asks that this Court "direct restitution of his Columbia Street property" and states that "at the conclusion of this case the Attorney General will feel duty bound to give a year's salary into the United States Treasury as damages."

The files of the Attorney General of the State of New York relating to individuals confined to Hudson River State Hospital show that on November 7, 1958, an order was made at a Special Term of Supreme Court in and for the County of Ulster, State of New York (Taylor, J.), appointing George Sherwood Campbell, 98 Columbia Street, Cohoes, New York, committee of the person and estate of Norman Campbell, who is described in such order as an incompetent person. Said files further show that on March 17, 1961, at a Special Term of Supreme Court, Rensselaer County (Drum, J.), said George Sherwood Campbell was appointed as committee of the person and property of Norman Campbell. Said order further cited that Norman Campbell has become competent to manage himself and his affairs and provided that the said George Sherwood Campbell, as committee, etc., file in the office of the County Clerk of the County of Albany a duly verified account of his proceedings as such committee and cause the same to be judicially settled or in the alternative, file with this order a general release from the said Norman Campbell.

Notice of Dismissal-3-  
Motion - O'Brien for Lefkowitz

35

# SUMMATION

1 In re absence of hearing regarding 73-CV-433; Summons  
2 was delivered October 1, 1973, 20 days to Answer; Answer was  
3 not given by Secy. Weinberger, and Answer of Corporation  
4 Counsel dated October 31, but not delivered; Oct. 31 being  
5 Wednesday, but Cohoes Postoffice, 12047 did not deliver un-  
6 til Friday afternoon or Saturday morning; Court convening on  
7 Monday, Nov. 5, Dismissal requested seems to have been aut-  
8 omatically granted.

9 Appellant presents to the Court, the information that  
10 years ago certain thought provoking experiences in direct an-  
11 tipathy of his moral education stemming from the prevailing  
12 and accepted model of, especially the political, Cohoes edu-  
13 cation, and he took opportunity to publicly insult the public  
14 gods or symbols. Warren Smith had made his son Jr., Treas-  
15 urer of the Board of Education, and Lawyer Burke, son of Dr.  
16 Burke, a dentist and passenger of the gravy train for years,  
17 Commissioner of Education; and the aftermath still rages,  
18 both above and underground. Appellant told them they were ig-  
19 norant.

20 Personally, appellant feels appellees have deluded them-  
21 selves and a Justice of the United States Court.

22  
23 *J. Campbell*  
24  
25



1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF NEW YORK

3 -NORMAN M. CAMPBELL

Plaintiff,

4 -against-

5 -NIAGARA MOHAWK POWER CORPORATION and  
6 -PEOPLE OF THE STATE OF NEW YORK, ETC.

Defendants.

7 73-CV-434  
73-CV-435

8 The following proceedings took place in the  
9 United States District Court, Federal Building,  
10 Albany, New York on the 5th day of November 1973,  
11 before HONORABLE JAMES T. FOLEY, United States  
12 District Judge.

13 A P P E A R A N C E S:

14 NORMAN M. CAMPBELL, Pro Se  
15 29 Second Street  
Albany, New York

16 HONORABLE LOUIS J. LEEFKOWITZ,  
17 Attorney General, State of New York  
TIMOTHY O'BRIEN, ESQ.  
18 Assistant Attorney General  
of Counsel  
19 Attorney for State of New York

20 FREDRICK E. HORTON, ESQ.  
21 Attorney for Niagara Mohawk Power Corp.

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THE COURT: All right, Mr. Campbell,  
are you your own lawyer?

MR. CAMPBELL: Yes, I am, Your Honor.

THE COURT: And where do you live?

MR. CAMPBELL: I live on <sup>Columbia</sup> Campbell  
Street Extension, that is just outside of Cohoes  
in the town of Colonie, and the address is 573  
Columbia Street, Cohoes, 12047.

THE COURT: Did you draw your own  
complaint here?

MR. CAMPBELL: Yes, I did.

THE COURT: And do you have any legal  
training?

MR. CAMPBELL: I studied law for a  
while, in California, I studied Real Estate Law  
in Santa Monica City College. I am not proficient  
at law but I think I can take care of myself. I  
know I will cause a little trouble from inexperience  
and ignorance of forms and so forth but I know what  
I am talking about. I have had plenty to talk  
about.

THE COURT: Allright. Do you have a  
motion to file an amended complaint?

MR. CAMPBELL: Yes, I filed a motion  
for permission to file an amended complaint.

1938



1 THE COURT: In which action?

2 MR. CAMPBELL: In both 434 and 435.

3 435 is the People of the State of New York <sup>and</sup> against  
4 Leffowitz and Niagara Mohawk Corporation and 434  
5 is the People and Mr. Leffowitz and I didn't have  
6 time to do much with it, but I put down what  
7 applies.

8 I am living under adverse conditions  
9 now, Your Honor, I have an old oil stove and no  
10 coal stove <sup>or</sup> ~~and~~ a wood stove, but I have wood to  
11 burn; I called the oil dealer and he said he  
12 couldn't take -- that is, for Kerosene, <sup>he</sup> couldn't  
13 take on any new customers, and I live a half mile  
14 from bus line, <sup>one</sup> bus line, and a mile from the  
15 other; and it means walking. I bought a bicycle  
16 up <sup>at</sup> to the Salvation Army a couple of days before;  
17 and the man said he couldn't deliver oil for me  
18 but if I wanted to come and get three or four  
19 gallons of oil he could supply me; and it is gett-  
20 ing down under 40 at night; and a wood fire, I put  
21 some sheet asbestos on; took the burners off the  
22 oil stove; you know what they are, <sup>height of stove and</sup> kerosene is so <sup>burners</sup>  
23 high, and there are two burners on it and of course  
24 <sup>fire</sup> the oil is constant, <sup>change to wood</sup> When you don't have oil-I put  
25 some sheets of asbestos, took the burners out and



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29.4

1 made it level, and I will put a pen in and burn  
2 wood in it, but you can't keep burning wood. 4/11/74

3 THE COURT: But you filed two complaints  
4 here?

5 MR. CAMPBELL: That is right.

6 THE COURT: What is the basis of the  
7 jurisdiction of this Court?

8 MR. CAMPBELL: Basis of jurisdiction?  
9 I was knocked down and beaten in the peaceful pur-  
10 suit of my business, I ~~was~~<sup>was</sup> run down to the Albany  
11 County Jail. Amendment Four is a mandate that the  
12 United States Citizen shall be secure in his per-  
13 son, papers and property from illegal search and  
14 seizure. They beat me.

15 THE COURT: Who beat you?

16 MR. CAMPBELL: Two Colonie Policemen.

17 THE COURT: You don't have their names  
18 here.

19 MR. CAMPBELL: No, I don't.

20 THE COURT: You have to sue them, don't  
21 you?

22 MR. CAMPBELL: No.

23 THE COURT: Why are you suing the  
24 Attorney General?

25 MR. CAMPBELL: Because he was made the

legal and mental committee of my possessions when  
the Court sent me to Poughkeepsie under the laws  
of the Mental Hygiene of the State of New York.

THE COURT: He ought to be representing you, you don't have to sue him.

MR. CANTRELL: Not at all, I am a United States citizen entitled to those securities by the Constitution.

THE COURT: No question about that.

MR. CAMPBELL: If the Court gives Mr. Lefkowitz possession of my legal and mental competence, my property, the rights to liberty, pursuit of happiness; any property; my papers, everything I own <sup>inward of the state</sup> and he gives the property of New York, that is through the Court, of course, but he was in <sup>legal</sup> possession of it and he gave it to the Niagara Mohawk Power Corporation.

THE COURT: What are you suing --

MR. CAMPBELL: I was under duress, under force~~d~~ restraint for no reason at all, all my Constitutional rights taken away, not only my Constitutional rights but my property rights also and I was ~~not~~ <sup>not</sup> in possession of that property, he ~~took~~ <sup>took</sup> my legal competency, and he gave it. I have been ripped off my Constitutional



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pg. 6

1 rights. I have -- Niagara Mohawk says they  
2 haven't even known about it, but they put the  
3 Honorable Justice Martin Schenck of the Albany  
4 County Court, the condemnation proceedings; the  
5 Judge is sworn to uphold the United States Con-  
6 stitution, <sup>or is</sup> that is a negligence; he hasn't honored  
7 the United States Constitution when he will take that  
8 condemnation judgment with me under force of <sup>f</sup> re-  
9 straint with no trial by Jury, no nothing, beaten,  
10 smashed, run up to the jail; six months of my life  
11 in Poughkeepsie, about two in the jail, taken away  
12 from me, and as I explained; I hope you see it my  
13 way, that Mr. Lefkowitz was in possession of my  
14 property and he gave it to Niagara Mohawk Power  
15 Corporation. The Justice, Mr. Schenck, had sworn  
16 to uphold the Constitution <sup>AND</sup> ~~or~~ he is in contempt of  
17 his own Court, from my way of looking at it, <sup>by</sup> ~~xx~~  
18 taking it under consideration when I have been robb-  
19 ed of my Constitutional rights.

20 THE COURT: I think you ought to see  
21 a lawyer about your problem, because your papers  
22 are not -- you haven't named the right parties.

23 MR. CAMPBELL: So you know what I  
24 think, Your Honor?

25 THE COURT: Do you have any means or



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pg. 7  
1 money?

2 MR. CAMPBELL: I certainly do.

3 THE COURT: You should hire counsel.

4 MR. CAMPBELL: I am afraid that the  
5 lawyer -- I hired one in California and she took  
6 \$500 through the bars and gave me a receipt for  
7 trial, but she never brought it to trial.

8 THE COURT: Well, I don't know about  
9 that, but I mean about this situation here. Do you  
10 work here now, Mr. Campbell?

11 MR. CAMPBELL: No, I am trying to fix  
12 the place up again so I can open it for business  
13 again next summer.

14 THE COURT: What kind of business?

15 MR. CAMPBELL: Market gardening.

16 THE COURT: And this problem you had,  
17 you say the Colonie Police came in?

18 MR. CAMPBELL: Yes.

19 THE COURT: And that they took you  
20 before Judge Schenck?

21 MR. CAMPBELL: They beat me up and  
22 threw me in the car; they took me over to the  
23 Albany County Jail and dumped me there.

24 THE COURT: What did Niagara Mohawk  
25 do to you?

MR. CHAMBERLAIN: The Justice of the Peace  
of the Town of Colonie put in a request to the New  
York Supreme Court, I think it was, to have me commit-  
ed, and I was sent to Poughkeepsie.

THE COURT: Anything against you --  
MR. CHAMBERLAIN: Yes, sir, as I explained  
in the first place; I am supposed to be secure in  
my person and property; it is the guarantee of the  
United States Constitution from unreasonable search  
and seizure. Now they come in without warning;  
without warrant; they are supposed to have a warrant  
and an affidavit placed there, in order for them to  
go and seize.



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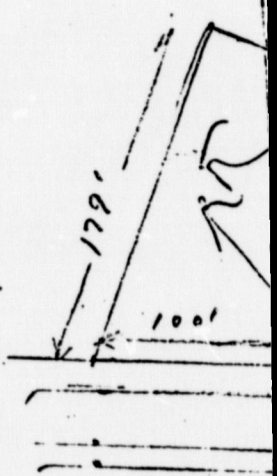
THE COURT: But who came in?

MR. CAMPBELL: Two Colonie Policemen.

THE COURT: What about Niagara Mohawk?

MR. CAMPBELL: Niagara Mohawk put a  
condemnation proceeding in Judge Martin Schenck's  
Court, to have the best part of my property; which  
according to the building clause of the Town of  
Colonie -- The building laws of the Town of  
Colonie on the other side of it, They took all the  
depth, the <sup>2-75' River Western-see</sup> 150 feet, and end. According to building  
regulations of the Town of Colonie it can't be  
built because of the setback regulations; therefore

U.S. COURT REPORTERS  
FEDERAL BUILDING  
ALBANY, N. Y.



1/2 mile

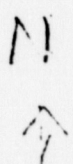
Alt  
first 1/2 mile except 100' included

Map  
Niagara-Fish Island  
Plays thru Colombo  
St property by con  
solidation

ALBANY

65174101 NEW

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Set back regulations

Ning a. Mohawk

2-75' R/Ways  
150'

500' frontage  
250'

25' PAVEMENT

50' RIGHT OF WAY

St depth

Columbia St

Cphaes mi.

Co Rd Drive

Town of Colon

Situation  
on 3 acres  
Confiscated by  
County of Albany



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pg. 9

1 it ruined the sale price. Now the same applies to  
2 the other piece, and anything Mohawk has taken, all  
3 the depth of this property; they took two 75 foot  
4 right-of-ways; they were cutting through a power  
5 line to Scotia; and the fact of the matter is they  
6 put one power line through and took it squarely  
7 back to the new Latham Shopping Center being built  
8 there at Latham Circle, and they could have taken  
9 that up the Watervliet, Troy, Schenectady -- well,  
10 Your Honor, as it stands I have a motion to file  
11 amended complaints here in the Court, and if you  
12 don't feel that you have jurisdiction; as I ex-  
13 plained, I am a United States citizen; I am cer-  
14 tainly entitled, these men I explained; six months  
15 of my life lost down there in the <sup>Hospital</sup> jail and they say  
16 dismiss the complaint; forget it, Campbell, it's  
17 a long time ago.

18 THE COURT: How long ago did it happen?

19 MR. CAMPBELL: First one was in 1958 in  
20 the town of Colonie, and the second one was in the  
21 city of Cohoes in 1964. The same thing, Warren  
22 Smith -- have you ever heard of the O'Connell  
23 organization upstate New York? It is the upstate  
24 organization of the Kennedy Hall, put his under-  
25 ground operators in the trailer park and they were

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pg. 10

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and deny the motion of Mr. Campbell and I disallow  
the complaint against Niagara Mohawk. Submit an  
order in that form.

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true and accurate transcript of the proceedings and  
at the time and place noted in the heading hereof.

-----  
MARTIN L. MILLER  
Official Reporter  
Northern District of New York  
United States District Court